

REMARKS

Introductory Remarks

Currently, claim 40 is the only pending claim in the application. In view of the following Remarks, Applicants respectfully request reconsideration of the pending rejections for the reasons discussed below.

Obviousness Type Double Patenting

Claim 40 stands provisionally rejected under the judicially created doctrine of obviousness type double patenting over claims 16-20 of U.S. Patent Application No. 10/810,841.

Claim 40 stands rejected under the judicially created doctrine of obviousness type double patenting over claims 18-22 of U.S. Patent No. 6,656,239 and claims 1-4 of U.S. Patent No. 6,749,652. The present application and U.S. Patent Application No. 10/810,841, and U.S. Patent Nos. 6,656,239 and 6,749,652 are currently commonly owned. Applicants have submitted a terminal disclaimer with respect to U.S. Patent Application No. 10/810,841, and U.S. Patent No. 6,749,652.

Applicant respectfully submits that claim 40 is not obvious over claims 18-22 of U.S. Patent No. 6,656,239. Claim 40 is directed to a green carbon foam produced by heating bituminous coal particles. In contrast, claims 18-22 of U.S. Patent No. 6,656,239 are directed to methods for producing a carbon foam involving the blending of bituminous coal and petroleum pitch particles to produce a carbon foam. Applicant respectfully submits that claim 40 is not obvious over claims 18-22 of U.S. Patent No. 6,656,239.

In view of the filed terminal disclaimers for U.S. Patent Application No. 10/810,841, and U.S. Patent No. 6,656,239 and the above remarks for U.S. Patent No. 6,749,652, Applicant respectfully request withdrawal of the obvious type double patenting rejection.

Extension of Time

A Petition for a three (3)-month extension of time under 37 C.F.R. §1.136(a) is filed herewith. It is not believed that any further extensions of time are required other than those in the accompanying Petition. If extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned for under 37 C.F.R. §1.136(a). Applicants believe that no further fees for net addition of claims are required at this time. Any fees required for extensions of time and any fees for the net addition of claims are hereby authorized to be charged to Deposit Account No. 503310.

Conclusion

Applicant believes that a full and complete response has been made to the pending Office Action and respectfully submits that all of the stated objections and grounds for rejection have been overcome or rendered moot. Should the Examiner feel that there are any issues outstanding after consideration of this Reply, the Examiner is invited to contact the Applicant's undersigned representative at the number below to expedite prosecution.

Respectfully submitted,



Philip D. Lane
Reg. No. 41,140

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Philip D. Lane
P.O. Box 79318
Charlotte, NC 28271-7063
Tel: 704-301-5007
Fax: 704-843-2318